

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

**JEFF SPOERLE, NICK LEE, KATHI
SMITH, JASON KNUDTSON, on behalf of
themselves and all others who consent to
become Plaintiffs and similarly situated
employees,**

Plaintiffs,

Case No. 07-C-0300-C

v.

**KRAFT FOODS GLOBAL, INC.,
OSCAR MAYER FOODS DIVISION,**

Defendant.

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION OF STATE LAW CLAIMS
AND FOR CERTIFICATION OF FEDERAL CLAIMS AS COLLECTIVE ACTION**

Plaintiffs hereby move for class certification for its claims arising under Wisconsin state law asserted in Counts III and IV of their Complaint, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon the following:

1. Plaintiffs maintain the following class should be certified:

All current and former hourly employees employed at Kraft Foods Global, Inc.'s Oscar Mayer Foods Division Madison, Wisconsin plant since May 30, 2004 who were not paid regular or overtime pay for time spent donning and doffing personal protective equipment and walking to and from their work stations.

There are approximately 1,200 members of the proposed class.

2. The proposed class definition meets the requirements of FRCP Rule 23 and should be certified under Rule 23(b)(3).

3. To the extent a motion for certification as a collective action is required under § 216(b) of the Fair Labor Standards Act for the allegations set forth in Counts I and II of the Complaint, Plaintiffs so move.

WHEREFORE, for the reasons stated in the accompanying Brief in Support of Class Certification, the proposed class should be certified.

Respectfully Submitted,

LAWTON & CATES, S.C.

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